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FILED

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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

8 IN THE UNITED STATES DISTRICT COURT
9
FOR THE DISTRICT OF ARIZONA

10 United States of America,

11 Plaintiff,

12 vs.

13 Ismael Gutierrez-Martinez,
14 Jorge Garcia-Gutierrez,

15 Defendant.

CR23-01452 TUC-RM(LCK)

INDICTMENT

VIO: 18 U.S.C. § 554(a)
(Smuggling Goods from
the United States)
Count 1

18 U.S.C. § 924(d); 28 U.S.C. §
2461(c); and 50 § 4819(d)(1)(C)
(Forfeiture Allegation)

16 THE GRAND JURY CHARGES:

17 COUNT 1

18 On or about August 24, 2023, in the District of Arizona, Defendants ISMAEL
19 GUTIERREZ-MARTINEZ and JORGE GARCIA-GUTIERREZ, knowingly attempted to
20 export and send from the United States any merchandise, article, or object contrary to any
21 law or regulation of the United States, and received, concealed, bought, sold, and in any
22 manner facilitated the transportation, concealment, and sale of such merchandise, article or
23 object, that is:

24 - One (1) .50 Caliber BMG Desert Tech Rifle bearing serial number HT1003320,
25 - One (1) .50 Caliber Magazine, and
26 - One (1) Bipod,

27 knowing the same to be intended for exportation contrary to any law or regulation of the
28 United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal

Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

FORFEITURE ALLEGATION

Upon conviction of the Indictment, the defendant, ISMAEL GUTIERREZ-MARTINEZ and JORGE GARCIA-GUTIERREZ, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), Title 50, United States Code, Section 4819(d)(1)(C), and Title 28, United States Code, Section 2461(c), any firearms involved in the commission of the offense and any property constituting an item that is exported or intended to be exported in violation of the offense, including, but not limited to:

- 1) One (1) .50 Caliber BMG Desert Tech Rifle bearing serial number HT1003320,
- 2) One (1) .50 Caliber Magazine, and
- 3) One (1) Bipod.

If any of the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendants.

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1 All pursuant to Title 18, United States Code, Section 924(d), Title 50, United States
2 Code, Section 4819(d)(1)(C), Title 28, United States Code, Section 2461(c), and Rule
3 32.2(a), Federal Rules of Criminal Procedure.

4 A TRUE BILL
5

6 /S/
7 FOREPERSON OF THE GRAND JURY
Dated: September 20, 2023

8 GARY M. RESTAINO
9 United States Attorney
District of Arizona

**REDACTED FOR
PUBLIC DISCLOSURE**

10 /S/
11 NATHANIEL J. WALTERS
12 Assistant United States Attorney

28